REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 1 has been amended to better distinguish it from the prior art relied upon by the Examiner. This amendment is supported in the as-filed specification.

The claims presently pending before the Examiner are 1-9 and 11-14.

The specification has been amended at page 7, lines 27-30 to replace the decimal points with commas. Accordingly, the objection to the disclosure has been overcome and its withdrawal is respectfully solicited.

Claims 1-4, 6-8 and 11-14 stand rejected under 35 USC § 103(a) as being unpatentable over Mitra et al. US 5,453,456 in view of Evans et al. US 5,674,935. This rejection is respectfully traversed.

Mitra discloses a method for treating a fluoroaluminosilicate glass with a non-neutral, aqueous silanol solution, wherein the silanol is formed by hydrolysis of a silane. The silane can be ionic or non-ionic and can be monomeric, oligomeric or polymeric (col. 2, lines 3-47 and col. 2, line 66, col. 3, line 1). Preferably, the silanol solution is an acidic solution containing an ethylenically-unsaturated silanol (col. 3, lines 34-36), which implies that the fluorosilicate glass is treated with the silanol and acid at the same time. According to Mitra, the formula and structure of a particularly preferred type of ethylenically-unsaturated monomeric, oligomeric and polymeric alkoxysilanes are disclosed in col. 4, lines 41-55.

According to col. 2, lines 20-34 of Mitra, the fluoroaluminosilicate glass is mixed with the silanol solution and subsequently dried. The method provides fluoroaluminosilicate glass cements having an improved diametral tensile strength (DTS) and improved fracture toughness (cf. col. 2, lines 5-8). The use of unsaturated

compounds in the compositions disclosed by Mitra is that they are cross-linked upon exposure to light (cf. col. 8, lines 3-10, and the examples).

Consequently, there are at least two (2) points of distinction between claim 1 of the present invention and Mitra:

1. Mitra employs an ***unsaturated*** silanol, whereas the claimed invention employs a saturated polyalkylsiloxane (the term "alkyl" is obviously saturated as is well-known to a person of ordinary skill in the art).

2. Mitra discloses that the glass is treated with the silanol and acid at the ***same*** time, whereas the claimed invention requires that the glass is ***subsequently*** treated with the polysiloxane and the acid.

There is neither a disclosure nor a suggestion in Mitra to proceed as recited in claim 1 of the present invention. A person skilled in the art, after reading Mitra, would, most certainly, not be motivated to subsequently treat the fluorosilicate glass with a saturated polysiloxane and acid, respectively.

The Examiner agrees that Mitra does not disclose saturated polyalkylsiloxanes as a "polymeric ethylenically unsaturated silanol". That is quite obvious because polyalkylsiloxanes are saturated compounds, whereas polymeric ethylenically unsaturated silanols are unsaturated compounds. This is apparently not appreciated by the Examiner since the claimed invention does **not** employ unsaturated silanols.

However, the Examiner employs Evans as a secondary teaching in an effort to ameliorate the deficiencies in the teaching of Mitra. Evans discloses a method for the *in situ* treating of silica filler to promote cross-linking, wherein a composition is employed comprising a silanol-terminated vinyl-containing polydiorganosiloxane, i.e. ***an unsaturated polysiloxane***. The claimed invention, however, employs a ***saturated polysiloxane***.

Consequently, Applicant is of the opinion that the Examiner's obviousness objection is incorrect and is not well-founded, since there is no teaching or suggestion in

either Mitra or Evans to employ a saturated polysiloxane. On the contrary, Evans ***teaches away*** from from the use of saturated polysiloxanes. Hence, claim 1 is considered unobvious over Mitra and Evans.

Accordingly, claims 1-4, 6-8 and 11-14 distinguish over the combined teachings of Mitra and Evans. Since the Examiner has failed to establish a *prima facie* case of obviousness based on a preponderance of the evidence, the rejection has been overcome and should be withdrawn.

The rejection of claim 5 based on the combination of Mitra, Evans and Akahane is also not in point since the compositions disclosed by Akahane also contain unsaturated compounds. Since the § 103(a) rejection has been overcome, its withdrawal is solicited.

Claim 9 stands rejected under 35 USC § 103(a) over the combination of Mitra and Evans. This rejection is traversed.

It is respectfully submitted that claim 9 is directed to a process wherein a "saturated polysiloxane" is employed to treat a fluorosilicate glass powder. However, neither Mitra nor Evans teaches a saturated polysiloxane, but, rather, each teach an "unsaturated polysiloxane". In view of the foregoing, the rejection of claim 9 has been overcome and should be withdrawn.

The provisional double-patenting rejection of claims 1, 9 and 11-14 over claims 14, 20 and 29-31 of co-pending Application No. 10/599,095 is overcome by the submission herewith of a Terminal Disclaimer.

Since the objection and rejections of record have been overcome, the issuance of a Notice of Allowance is solicited.

Please charge any fees which may be due and which have not been submitted herewith to our Deposit Account No. 01-0035.

Respectfully submitted,

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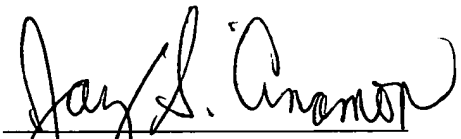
By 
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